

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Christopher Smith,

Plaintiff,

v.

United Adjustment Corporation; and DOES 1-
10, inclusive,

Defendants.

Civil Action No.: 1:17-cv-00358-JTN-ESC

PLAINTIFF’S MOTION TO DISMISS

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiff, Christopher Smith, by and through his undersigned counsel, hereby respectfully submits this Motion to Dismiss. In support of this motion, Plaintiff states as follows:

1. On April 20, 2017, Plaintiff initiated this action against Defendant United Adjustment Corporation, alleging violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (Doc. No. 1).
2. On August 7, 2017, Defendant filed its Answer to Plaintiff’s Complaint. (Doc. No. 16).
3. Thereafter, Defendant’s counsel withdrew its representation of Defendant. (Doc. Nos. 22 & 23).
4. On December 7, 2017, default was entered against Defendant. (Doc. No. 27).
5. Since default was entered, Defendant has not defended or otherwise appeared in this case through counsel or otherwise.
6. At this time, Plaintiff is declining to pursue default against Defendant.

7. Plaintiff therefore wishes to dismiss his claims against Defendant, without prejudice.

WHEREFORE, Plaintiff respectfully requests that the Court dismiss this case, without prejudice and without fees or costs to either party.

Dated: March 20, 2018

Respectfully submitted,

PLAINTIFF, Christopher Smith

By /s/ Sergei Lemberg
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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on March 20, 2018, a copy of the foregoing served electronically by the U.S. District Court for the Western District of Michigan Electronic Document Filing System (ECF), and that a copy was sent via First Class Mail, postage pre-paid, to the party listed below:

United Adjustment Corporation
218 North Third St.
Kentland, IN 47951

/s/ *Sergei Lemberg*

Sergei Lemberg, Esq.